

# HOUSE BILL 1031

E2  
HB 178/11 – JUD

2lr0336  
CF SB 925

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By: **Delegates Alston and Vallario**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Right of Appeal from Final Judgments – Conditional**  
3 **Guilty Plea**

4 FOR the purpose of providing that an appeal from a final judgment entered following a  
5 conditional plea of guilty may be taken in accordance with the Maryland Rules;  
6 defining a certain term; and generally relating to the right of appeal from final  
7 judgments in criminal cases.

8 BY repealing and reenacting, with amendments,  
9 Article – Courts and Judicial Proceedings  
10 Section 12–302(e)  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2011 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 12–302.

17 (e) **(1) IN THIS SUBSECTION, “CONDITIONAL PLEA OF GUILTY”**  
18 **MEANS A GUILTY PLEA WITH WHICH THE DEFENDANT PRESERVES IN WRITING**  
19 **ANY PRETRIAL ISSUES THAT THE DEFENDANT INTENDS TO APPEAL.**

20 **(2) [Section] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
21 **SUBSECTION, § 12–301 of this subtitle does not permit an appeal from a final**  
22 **judgment entered following a plea of guilty in a circuit court. Review of such a**  
23 **judgment shall be sought by application for leave to appeal.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(3) AN APPEAL FROM A FINAL JUDGMENT ENTERED FOLLOWING**  
2 **A CONDITIONAL PLEA OF GUILTY MAY BE TAKEN IN ACCORDANCE WITH THE**  
3 **MARYLAND RULES.**

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2012.